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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,320	01/10/2006	Odd Slettayen	OPA 327	7524
7590 Anton E. Skaugset Kolisch Hartwell, P.C. 200 Pacific Building 520 S.W. Yamhill Street Portland, OR 97204		EXAMINER HUSON, MONICA ANNE		
		ART UNIT 1791		
		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/564,320

**Applicant(s)**

SLETTAYEN, ODD

**Examiner**

MONICA A. HUSON

**Art Unit**

1791

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

This office action is in response to the RCE filed 31 July 2009.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the longitudinal and cross pieces can be lowered into the molding substance without being hardened (step III).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Knox (U.S. Patent 3,133,853). Regarding Claim 1, Knox shows that is known to carry out a process for manufacturing a mattress (Column 1, lines 10-14) comprising a bottom piece (Figure 3, bottom half), longitudinal pieces (Figure 1, solid ribs running longitudinally between holes), cross pieces (Figure 1, solid ribs running the width of the article between holes), and a top piece (Figure 3, top half), said pieces being of the same material (Figures 1, 3), and a core (Column 2, lines 20-22; Column 4, lines 37-39; Column 9, lines 4-8; lining (material) within the cavities~core), characterized in that a liquid molding substance of the same material as the named pieces is used to join the pieces, by applying the liquid

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molding substance in streaks in the contact area between the pieces only (Column 3, lines 29-38, 54-55).

Regarding Claim 2, Knox shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the pieces comprise a foam material (Column 2, lines 65-71; Column 3, lines 1-10).

Regarding Claim 3, Knox shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the foam material is polyurethane (Column 1, line 71; Column 2, lines 1-13).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knox.

Regarding Claims 4-5 and 7-9, Knox shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the bottom piece, and the longitudinal and cross pieces are laid out (Column 4, lines 7-11), the adhesive, i.e. molding substance, is applied to the longitudinal and cross edges on one surface of the bottom piece (Column 3, lines 54-53; Column 4, lines 16-24, 28-31), a core is inserted into the adhesive coated area (Column 4, lines 38-42), and a top piece is provided with the adhesive and turned with the adhesive facing the longitudinal and cross pieces and attached thereto (Column 4, lines 10-16). Knox does not show the longitudinal and cross pieces separate from the bottom piece, but making elements separable is known to be an obvious modification available to one of ordinary skill in the art (MPEP 2144.04 (V)(C)). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to make Knox's longitudinal and cross pieces separate

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from the bottom piece in order to change the configuration of the longitudinal and cross pieces.

Regarding Claim 6, Knox shows the process as claimed as discussed in the rejection of Claim 4 above, including a method wherein the adhesive, i.e. molding substance, is applied to the underside of the core (Column 4, lines 28-31, 38-42; the adhesive will be under the core since it is placed in the cavity first), meeting applicant's claim.

Regarding Claim 10, Knox shows the process as claimed as discussed in the rejection of Claim 4 above, including a method wherein one or more of the steps are automated (Column 11, lines 73-75; Column 12, lines 1-7), meeting applicant's claim.

### ***Conclusion***

Prior art available but not relied upon:

Norton et al. (U.S. Patent 4,876,053)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA A. HUSON whose telephone number is (571)272-1198. The examiner can normally be reached on Monday-Friday 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica A Huson  
Primary Examiner  
Art Unit 1791

/Monica A Huson/  
Primary Examiner, Art Unit 1791